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SUMMIT ENTERTAINMENT, LLC

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION

12 SUMMIT ENTERTAINMENT, LLC,
a Delaware limited liability company,

13 Plaintiff,

14 v.

15 TOPICS ENTERTAINMENT, INC., a
16 Washington corporation; GREG
JAMES, an individual; RALPH
17 GALVAN, an individual; CHRIS
ABERNATHY, an individual; and
18 DOES 1-10, inclusive,

19 Defendants.

Case No. CV 10-00939 GHK (CFEx)

PRELIMINARY INJUNCTION

Date: March 11, 2010
Time: 9:30 a.m.
Courtroom: 650 - Roybal Building
Hon. George H. King

21 Plaintiff Summit Entertainment, LLC (“Summit”) has filed and served an Ex
22 Parte Application For A Temporary Restraining Order And An Order To Show
23 Cause Re: Preliminary Injunction (the “Application”). The Application is directed
24 to Defendants Topics Entertainment, Inc. (“Topics”), Greg James (“James”), Ralph
25 Galvan (“Galvan”) and Chris Abernathy (“Abernathy”) (collectively,
26 “Defendants”). The Court combined the hearings for the TRO and the Order to
27 Show Cause Re: Preliminary Injunction for hearing on March 11, 2010 at 9:30 a.m.

28 After a review of the moving papers, the opposing papers, the file in this civil

1 action, and hearing argument of counsel at the hearing, the Court hereby rules as
2 follows:

3 1. The motion for Preliminary Injunction is granted.

4 2. Pursuant to Federal Rule of Civil Procedure 65(d)(1), the Court made
5 findings on the record at the hearing held on March 11, 2010.

6 3. The Court hereby orders the following preliminary injunctive relief
7 (“Injunctive Relief”), to wit, that Defendants and their subsidiaries, officers, agents,
8 servants, directors, employees, servants, partners, representatives, assigns,
9 distributors, successors, affiliates, related companies, and attorneys, and all persons
10 in active concert or participation with Defendants or with any of the foregoing, be
11 enjoined from:

12 a. Manufacturing, transporting, promoting, importing, advertising,
13 publicizing, distributing, offering for sale, or selling any goods (including the
14 documentary entitled *Forks: Bitten by Twilight* (“the Topics Documentary”), any of
15 its covers and/or its promotional materials) bearing the trademark TWILIGHT in
16 block letters or in the format shown below (the “TWILIGHT Marks”):

17 
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19 or any other mark, name, symbol, or logo which is likely to cause confusion or to
20 cause mistake or to deceive persons into the erroneous belief that any goods that
21 Defendants caused to enter the stream of commerce are sponsored, licensed, or
22 endorsed by Summit, are authorized by Summit, or are connected or affiliated in
23 some way with Summit, the motion pictures *Twilight* and *The Twilight Saga: New*
24 *Moon* (collectively, “the *Twilight* Motion Pictures”), or the documentary entitled
25 *Twilight in Forks: The Saga of the Real Town*, marketed, distributed, and sold by
26 Summit (“the Authorized Documentary”);

27 b. Manufacturing, transporting, promoting, importing, advertising,
28 publicizing, distributing, offering for sale, or selling any goods bearing the

1 TWILIGHT Marks or any other mark, name, symbol, or logo that is a copy or
2 colorable imitation of, incorporates, or is confusingly similar to the TWILIGHT
3 Marks;

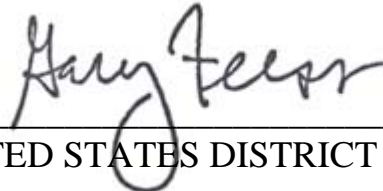
4 c. Representing that Summit has endorsed, sponsored, licensed,
5 approved, or is affiliated with Defendants' products or that Defendants' products
6 are affiliated or connected with the *Twilight* Motion Pictures or the Authorized
7 Documentary; and

8 d. Knowingly assisting, inducing, aiding, or abetting any other
9 person or business entity in engaging in or performing any of the activities referred
10 to in paragraphs 3(a) to (c) above.

11 4. Summit shall post a bond in the sum of Ten Thousand Dollars
12 (US\$10,000) for the payment of such costs and damages as may be incurred or
13 suffered by any party who is found to have been wrongfully enjoined or restrained.

14 5. The Injunctive Relief shall remain in effect until the adjudication of
15 the case.

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18 Dated: March 11, 2010


UNITED STATES DISTRICT JUDGE